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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-110

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Section RL 85.01 is amended to increase the minimum required hours of continuing education from 20 to 28. While s. 458.13 (1), Stats., can be read to support the increase, by rule, of the minimum required hours of continuing education, the statute can also be read as a specific requirement, requiring legislation in order to change the minimum required hours. In the latter regard, reference to “at least” could simply be a recognition that some appraisers, in the course of a two-year period, will accumulate more than 20 hours of continuing education, even if not required. In addition, there is no express statutory authority to increase the minimum required hours by rule, and it would have been a simple matter to so provide.

2. Form, Style and Placement in Administrative Code

a. The treatment clause of SECTION 19 can be simplified by simply referring to s. RL 84.02 (3) (a) to (q). See also the treatment clauses of SECTIONS 21 and 22.

b. In s. RL 84.03 (2) (intro.), “all of the following” should precede either the colon or “within.”

c. In SECTION 32, the subheading “Conduct” should be underscored. See the current format of the Uniform Standards of Professional Appraisal Practice (USPAP), as set forth in Appendix 1 of ch. RL 87. In the second paragraph of that SECTION, “Comment,” followed by a colon, should precede the paragraph. The third paragraph of the SECTION, which is new, is not

underscored. The comment following the fourth paragraph of the SECTION, which is underscored, is in current rules.

- d. In SECTION 33, the comment should be a separate paragraph.
- e. In SECTION 35, “Rule” should follow “Standards.”
- f. In SECTION 36, the subheadings should be underscored.
- g. The effective date clause should be specific as to when the various provisions of the rule take effect. [See s. 1.02 (4), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. RL 80.03 (10a), is the use of the disjunctive “or” intended or should “and” be used?
- b. In s. RL 82.02 (2) (intro.), an underscored comma should precede “any.”
- c. In s. RL 83.01 (1) and (1a), is it clear what “obtained continuously” means?
- d. In s. RL 85.01 (1), should “at least” be inserted before “4”?
- e. SECTION 25 repeals s. RL 85.01 (3). The department’s analysis, however, indicates that s. RL 85.01 (3) is amended “to include, in part, the text of the language contained in s. 458.06 (2) (d) [Stats.]” Clarification is in order.
- f. In s. RL 85.02 (9) (a), it appears that “accredited” does not modify “vocational, technical and adult education school.” Is that intended?
- g. On page 18, second full paragraph, it appears that “not” should follow “requested” so that the clause reads: “Except when specifically requested not to do so as part of the agreement with the client”
- h. On page 19, first full paragraph, “off” should be “of.” It is suggested that the entire text of the revised appendix be proofed against the USPAP.